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## Appeal Decision

Hearing held on 16 June 2015

Site visit made on 16 June 2015

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 August 2015**

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**Appeal Ref: APP/R3325/W/15/3005120**

**Woodentop Farm (formerly Ridge Farms), Ridge Lane, West Coker, Yeovil, Somerset BA22 9DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Paul Richards against the decision of South Somerset District Council.
  - The application Ref 14/04063/OUT, dated 29 August 2014, was refused by notice dated 19 January 2015.
  - The development proposed is an agricultural dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline, with access to be determined at this stage. I have dealt with the appeal on this basis.
3. The Council has formally adopted the South Somerset Local Plan (LP) (2006-2028) in March 2015 which replaces the South Somerset Local Plan (1991-2011) adopted in April 2006. Consequently only the policies in the new LP have been considered in this appeal.
4. At the hearing, the appellant indicated that the extent of the holding surrounding the appeal site was smaller than that shown on the application location plan. Subsequently, a revised plan showing the correct holding area has been submitted which deletes a field area adjacent to a neighbouring reservoir. The Council raised no objection to this alteration during the hearing and the appeal has been considered on this basis.

### Main Issues

5. The main issues are (a) whether, having regard to local and national planning policies, that seek to resist new dwellings in the countryside, there is an essential need for a dwelling to accommodate a rural worker, and the effect of the proposal on (b) the character and appearance of the area, (c) highway safety and (d) the accessibility of the dwelling to local services and facilities.

## Reasons

### *Background*

6. The appeal site comprises an area of land situated on high ground to the west of West Coker which is adjacent to existing farm buildings accessed off Ridge Lane. The agricultural holding surrounding this farmstead area lies between Ridge Lane and the A30 trunk road. Much of the farmland slopes down towards the main road. The holding extends to approximately 15.6 ha consisting of the farmstead area, woodland and grassland. The appellant's submitted agricultural appraisal<sup>1</sup> indicates that grassland used for grazing is approximately 4.2 ha whilst that used for hay/silage is approximately 8 ha. There is an additional rented land nearby used for grazing, some 2.8 ha, and hay, some 7.3 ha.
7. The appellant purchased the farm in 1991 when it was largely a calf-rearing enterprise. However, the farm now specialises in the more exotic breeds, bison (introduced in 2006) and wild boar (introduced in 2009/10), as well as sheep (introduced in 2010). Elk used to be present (from 2006) but are currently at a holding in Lancashire. The appellant's agricultural appraisal indicates the presence of Kunekune pigs and alpaca on the holding but at the hearing it was confirmed that they were no longer present. On my site visit, there were also some geese and chickens on the holding, and a pregnant cow.
8. The farmstead area includes buildings, polytunnels, caravans/mobile home structures, and yard areas. The buildings accommodate the wild boars and house machinery, equipment, storage and an office. The polytunnels are used to grow potatoes and other vegetables. The farm shop sells an extensive range of foodstuffs, including sausages, bacon, charcuterie and vegetables. Deliveries of produce are made to the surrounding area. The caravan/mobile home structures are used to accommodate seasonal international volunteers who help with the running of the farm.
9. Investment has been made in the farm buildings, dirty water system (for treating livestock effluent) and robust security fencing. One of the buildings has a voltaic array. Additionally, three hectares of land on the margins of the holding have been planted with trees. Future investment is proposed for the two new hay and straw barns. Documentation showing prior approvals for the two barns was submitted at the hearing. A small vineyard, approximately 1.5 ha, is also to be developed within the holding.
10. The appellant's vision is of an integrated production and marketing system offering a range of organic products, some of them unusual, based on the principles and requirements of biodynamic farming. The appeal proposal is for a permanent agricultural worker's dwelling.

### *Planning History*

11. Permission was granted in 2002 for a temporary dwelling, following which a log cabin was constructed but not completed by the end of the permitted temporary period. Subsequent applications were made regarding the condition that required its removal, extension of the permission and construction of a permanent dwelling on site, but these were refused or dismissed at appeal<sup>2</sup>.

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<sup>1</sup> Agricultural Appraisal Andrew Sheppard Bennett Park Agricultural and Horticultural Business Consulting.

<sup>2</sup> APP/R3325/A/07/2039291, APP/R3325/A/07/2057458, APP/R3325/C/08/2089665.

More recently, an appeal against the non-determination of a planning application for a temporary agricultural dwelling was dismissed in 2011<sup>3</sup>.

### *Policy Background*

12. LP Policy HG9 'Housing for Agricultural and Related Workers' states that a development proposal in the countryside to meet the accommodation needs of a full-time worker in agriculture where a rural location is essential should demonstrate compliance with certain criteria. There should be a clearly established existing functional need. The enterprise should be economically viable. Provision of accommodation on-site (or in the immediate vicinity) should be necessary for the operation of the business. There should be no suitable accommodation existing or potentially available in established buildings on the site or in the immediate vicinity. The proposal should not involve replacing a dwelling recently disposed of as general market housing. The proposed dwelling should not be larger than that required to meet the operational needs of the business. Finally, the siting and landscaping of the new dwelling should minimise the impact upon the local landscape character and visual amenity of the countryside.
13. LP Policy EQ2 'General Development' states that development should be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. The policy lists a number of factors against which proposal will be considered against. These include conserving and enhancing the landscape character of the area, reinforcing local distinctiveness and respecting local context, local area character and site specific considerations.
14. LP Policy SS1 'Settlement Strategy' sets out a settlement strategy for the district setting out strategic locations for new development reflecting sustainable development principles. Under this strategy, rural settlements such as West Coker, are considered as part of the countryside to which national countryside protection policies apply subject to the exceptions identified in Policy SS2. LP Policy SS2 'Development in Rural Settlements' states development in rural settlements will be strictly controlled to that which provides employment opportunities appropriate to the scale of the settlement and/or creates or enhances community facilities and services to serve the settlement and/or meets identified housing need, particularly affordable housing. As the appeal site lies within the countryside, such policies provide background to the proposal.
15. LP Policy TA5 'Transport Impact of New Development' states that all new development shall be required to address its own transport implications and shall be designed to maximise the potential for sustainable transport through, amongst other matters, securing inclusive, safe and convenient access on foot, cycle and by public and private transport that addresses the needs of all.
16. The National Planning Policy Framework (the Framework) at paragraph 55 states that local planning authorities should avoid isolated new homes in the countryside, unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. In addition, paragraph 28 of the Framework states that planning policies should support economic growth in rural areas in order to create jobs

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<sup>3</sup> APP/R3325/A/10/2126982.

and prosperity by taking a positive approach to sustainable new development. It should promote the development and diversification of agricultural and other land-based rural businesses.

*Essential Need*

17. At the hearing, it was confirmed that livestock comprised 84 wild boar (33 breeding females, 50 piglets and 1 bull), 14 bison (7 cows, 2 bulls and 5 calves) and 60 sheep (30 ewes, 29 lambs and 1 ram). There were also 100 geese and 50 egg-laying chickens.
18. The appellant indicated that the boar produced an average of six boarlets per litter with furrowing spread out throughout the year. The boar are kept inside in pens in 'sounder' groups of generally 1 male and 7 females inside. Calving of the bison takes place outside in late spring/early summer. Lambing takes place in March/April.
19. LP Policy HG9 requires a clearly established existing functional need to demonstrate accommodation is required. The Framework states that local planning authorities should avoid isolated new homes in the countryside, unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
20. The appellant's agricultural appraisal indicates that the livestock require qualified supervision at all times, especially at times of parturition where 24 hour care is required. As the wild boar and bison are farmed, they require attention and daily checks due to their unpredictability. In this regard, when furrowing takes place, the pregnant boar and boarlets have to be kept away from other boars. Additionally, the appellant maintains a close personal relationship with the animals unlike other similar farming enterprises. In contrast, the Council maintain that the wild boar and bison are essentially wild animals and that there are very few interventions available to assist an animal in difficulty, at say parturition. In particular, it was pointed out that it was practically difficult to assist the animals at time of birth due to their undomesticated nature and size.
21. It is accepted that a worker may have to be present to humanely deal with an animal on welfare grounds, if in difficulty. However, there was no evidence produced to indicate that the wild boar and bison are particularly prone to difficulty or illness at parturition or at other times of year. There are differing views on the predictability of the animals at times of parturition. Nevertheless, even if there was a need for intensive care and attention at these times, the numbers of animals would not be sufficient to require an on-site 24 hour presence at most times throughout the year. In this regard, the breeding season of the bison and sheep are generally restricted to certain times of the year and whilst the boars produce litters throughout the year, they are restricted to two during a year.
22. The appellant proposes to expand the bison herd through buying additional stock but the agricultural appraisal states this has been indefinitely deferred due to the need to be assured of the TB status of any new stock. Given this, there is a lack of certainty over whether this expansion will occur despite the best intentions of the appellant. Elk are no longer on the site because, according to the appellant, insurance stipulations require an on-site permanent presence. Even if this is so, this consideration would not be sufficient to justify

a dwelling in its own right as there is no guarantee that the elk would remain on the holding once a dwelling was built and occupied. Formerly, there were 17 elk according to the appellant's agricultural appraisal which breed after bison in June. The appellant acknowledged that any assistance for these animals at parturition would be difficult due to their nature. On this basis, the presence of these animals would not greatly increase the need for a permanent on-site presence all year round on animal husbandry, welfare and care grounds. Accordingly, I attach little weight to these considerations in establishing a 24 hour presence at most times.

23. The appellant particularly draws attention to security matters for the wild boar and bison. The appellant draws attention to three separate incidents of deliberate fence cutting since 2011, the time of the last appeal, and the value of on-site staff to prevent the escape of animals. One such incident involved the escape of elk. In addition, there have been two reported incidents of animal theft and the closure of a footpath through woodland to a meadow due to trespass. There is some difference of opinion as to what the presence of staff demonstrated between the main parties when these incidents occurred. The Council indicates that this demonstrates that a dwelling would still not guarantee such occurrences happening whereas the appellant indicates that this resulted in early detection, prevented a worse situation occurring, and any presence would be better than none.
24. However, much of the fencing would be some distance from the proposed dwelling and hidden from view by reason of the slope of the holding down to the A30 trunk road. In certain views, fencing would be hidden by farm buildings on the site and vegetation around part of the neighbouring reservoir. For this reason, a timing of a response to an alert would be likely to be no different than if the farm worker lived nearby. This would be especially the case during the hours of darkness when the lack of light would make any fence cutting and animal breakout even more difficult to detect.
25. At the hearing, some discussion took place on measures to help notify the appellant in the event of animal escape. These included technological surveillance systems as well as notices with contact details. Whilst technological measures may be expensive, the evidence before me does not demonstrate that the appellant has explored sufficiently the use of them if a farm worker lived in a nearby village. Given this, there could be some merit in their use which I attach some weight to in the consideration of this issue. There has been reported theft on the site but there would be no guarantee that a dwelling would have prevented this. Furthermore, the level of thefts reported is not sufficiently great enough to point to an overriding issue of significance. For similar reasons, I do not attach significant weight to the risk of thieves being harmed by the animals on the site.
26. The requirements of a DWAA licence require all reasonable precautions are taken to protect the safety of the public and that no nuisance is caused to the public. In this regard, considerable investment has been undertaken on the holding with substantial fencing which was evident on my site visit. The appellant considers the requirement for reasonable precautions necessitates an on-site permanent presence but given that this would be a substantial undertaking, I would expect some explicit reference to this with the requirements of any licence. There have also been no reported incidents of

- bison or wild boar escaping, animals that the licence covers. On this basis, I am not persuaded that the DWAA requires an on-site permanent presence.
27. The appellant has calculated the theoretical annual labour requirement for the holding and an absolute minimum requirement of 1.6 full-time workers, after making some assumptions given the unusual requirements of the animals kept. It is maintained that this understates the number of workers required given the current estimated labour input is 3 full-time workers. I have no reason to dispute these figures in establishing a functional need. However, they do not assist me in establishing whether a worker presence is required after normal working hours at most times throughout the year.
28. The Council's agricultural appraisal showed 14 properties for sale (December 2014) ranging from approximately £150,000 to £450,000 in the nearby area. One of these properties at 8 Bridge Cottages nearby is no longer on the market. The Council's Statement produced an updated list of properties (March 2015) and a further updated list was provided at the hearing. There was some discussion of the availability of a nearby property at West Coker owned by the appellant. The appellant discounts these properties for a farmworker by reason of their location. However, I have not been persuaded that there is a requirement for a permanent on-site presence on the holding for the reasons previously indicated. Consequently, the availability of properties over this time period shows that such accommodation would be likely to be available which would meet the operational requirements of the holding.
29. Reference has been made to the previous 2011 appeal decision. Here, the appellant's plan was for 20 bison, 20 elk and 3 sounders of wild boar, each to compromise 7 soars and boar. Whilst some of my conclusions coincide with this Inspector's on the essential need for a permanent presence, there are differences between the situation before me and then. In the current appeal proposal, the numbers of animals are different, with more boar and additionally there are sheep. The previous Inspector found the enterprise not to be financially sound and the decision predated the Framework. For these reasons, there are significant differences between the proposals and therefore the decision does not lend decisive support to either party's position. In any case, the appeal proposal before me has been considered on its individual planning merits.
30. In summary, I am not persuaded on the balance of evidence before me that there would be a requirement for a farm worker to be present on the holding at most times throughout the year for essential livestock husbandry, welfare and care for all the reasons previously indicated. Consequently, there would not be an essential need for a permanent dwelling on this site and the proposal would conflict with LP Policy HG9 and paragraph 55 of the Framework.

#### *Character and Appearance*

31. The dwelling would be sited on a high ground above the farm buildings nearby. It is intended that the dwelling would be built partially within the ground and designed as an eco-house. A photograph of an eco-house, that the design would be based upon, was submitted at the hearing.
32. Whilst the eco-house design has some architectural merit, the location of the dwelling would be visually exposed on a ridge landscape feature. Therefore, the development would not be visually assimilated into the landscape without

appearing overly-dominant. For these reasons, the development would harm the character and appearance of the area conflicting with LP Policies HG9 and EQ2.

#### *Highway safety*

33. The roads leading to the site are of varied quality with bends and dips due to the topography of the area. They are also restricted in width.
34. The appellant argues that there would be likely to be less traffic movements because the dwelling would be on the holding where the worker would be employed. There is some merit to this argument. There would be some traffic movements to access some local facilities and services but overall the level of traffic movements associated with an agricultural dwelling of this nature would not be significant. For these reasons, the proposal would not be harmful to highway safety and comply with LP Policy TA5.

#### *Accessibility to local services and facilities*

35. Access to the services and facilities at West Coker would necessitate the use of a private motorcar for any occupier of a dwelling on this site. It is inevitable that this type of situation will frequently occur with farm dwellings because they are generally located within the open countryside. However, the agricultural worker would be located close to his or her place of work so reducing the need to travel in this respect. Consequently, the location of the development would not have unreasonable access to local services and facilities, including employment opportunities, and would maximise the potential for sustainable transport. Therefore, there would be no conflict with the strategy and aims of LP Policies SS1, SS2 and TA5.

#### *Other considerations*

36. The Council's agricultural consultant commented that a planning permission was granted for a farmhouse at East Coker on the basis of 30 pig sows because of operational and welfare considerations. Additionally, reference was made to a dwelling permitted at Goose Lake Farm justified by reason of poultry. Although I was directed to the location of these sites at the hearing, I do not have the full details of the circumstances that led to them being permitted to draw any meaningful comparison. In any case, each appeal must be determined on its individual planning merits as I have done so here.

### **Conclusion**

37. There would be no essential need for a permanent worker's dwelling on this site. Whilst I acknowledge a functional need, a requirement for a farm worker to be present on the holding at most times throughout the year for livestock husbandry, welfare and care operational reasons has not been proven. The proposal's impact on highway safety of road users and the location of the site relative to services and facilities have been found to be acceptable. However, there would be harm to the character and appearance of the area by reason of the dwelling's siting.

38. Having regard to the above and to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR



## **APPEARANCES**

### FOR THE APPELLANT

P Richards	Appellant
R Bryer BA MTPI	Agent
A Sheppard	Agricultural Consultant Bennet Park Agricultural & Horticultural Business Consulting

### FOR THE LOCAL PLANNING AUTHORITY

S Fox	South Somerset District Council
P Williams	Agricultural Consultant Reading Agricultural Consultants

## **Documents**

1. Photograph titled Holne, West Yorkshire.
2. Updated list of property for sale/rent in the surrounding area.
3. Prior approval decision notices for agricultural buildings at Woodentop Farm.